



EMPLOYMENT TRIBUNALS

Claimant: Miss N Styles

Respondent: JSR Genetics Limited

JUDGMENT

The complaint that the claimant's dismissal amounted to Section 15 disability discrimination is struck out. Her claim of unfair dismissal continues and will be listed for a one day hearing.

REASONS

1. The claimant complained that her dismissal was because of something arising in consequence of her disability of depression (namely, acting on autopilot, out of character and being frustrated with herself").
2. The respondent is yet to set out its pleaded case on the allegations because the claimant has not provided her disability impact statement or medical records.
3. The claimant was provided with a clear order for a disability impact statement, sent to her on 20 October 2021 after a hearing on 6 October 2021. The claim was presented on 8 June 2021 about a dismissal on 23 March 2021. She has not provided anything which gives the examples of ways in which her ability to carry out day to day activities has been adversely affected by the diagnosis (assuming there is a diagnosis).
4. She was given one final opportunity to do so and her letter of 6 March 2022 still does not do so. The case had to be put off because preparations had been delayed.
5. While difficulties with medical records may be resolved, there is no prospect of her establishing she was a disabled person at the material times without her own statement about adverse effect. These things were fully set out and assistance given in case management orders and considerable further opportunities have been given.
6. The respondent is being put to the costs and strain of the delays in this case. This cannot go on. The disability discrimination claim is struck out because of her failure to comply with Orders or request a hearing. The claimant's unfair dismissal case can now be listed for one day and the parties must prepare for it.

JM Wade

Employment Judge JM Wade

Date: 10 March 2022